



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831

December 15, 2014

Re: JIC Advisory Opinion 23-2014

Dear

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission at its December 12, 2014 meeting. The factual scenario giving rise to your request is as follows: You have been asked to serve as a reference for an applicant for appointment for a circuit judge vacancy. You want to know if your name can be listed on the application as a reference. You will not submit any written letters but would respond orally to any verbal inquiries.

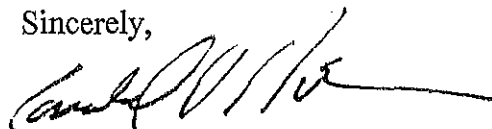
The Commission has reviewed Canon 2B of the Code of Judicial Conduct which provides in pertinent part that "[a] judge shall not lend the prestige of the judicial office to advance the private interests of the judge or others. . . ." The Commentary to the Canon notes that "judges may participate in the process of judicial selection by cooperating with appointing authorities and screening committees seeking names for consideration, and by responding to official inquiries concerning a person being considered for a judgeship." Meanwhile, Canon 5A(1)(b) states that "a judge or a candidate for election or appointment to judicial office shall not publicly endorse or publicly oppose another candidate for public office."

The Commission does not consider the listing of a reference on a judicial application for employment as a public endorsement of a candidate for office. Therefore, your name may appear as a reference on an application for a judicial vacancy.

We hope this opinion fully addresses the issue which you have raised. If there is any further question regarding this matter do not hesitate to contact the

Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald E. Wilson", with a long horizontal flourish extending to the right.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat